

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DANIEL UFARES,**

**Petitioner,**

**9:14-cv-330  
(GLS/DJS)**

**v.**

**THOMAS LAVALLEY,**

**Respondent.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PETITIONER:**

DANIEL UFARES  
Plaintiff *Pro Se*  
10-B-0696  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13021

**FOR THE RESPONDENT:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
120 Broadway  
New York, New York 10271

LISA E. FLEISCHMANN  
Assistant Attorney General

**Gary L. Sharpe  
District Judge**

## **ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Randolph F. Treece, duly filed on August 20, 2015. (Dkt. No. 15.) Subsequently, petitioner *pro se* Daniel Ufares moved to stay the proceedings to exhaust other state law claims. (Dkt. No. 19.) After affording Ufares the opportunity to detail his arguments, (Dkt. No. 21), the court denied the motion and supplied Ufares an opportunity to move for leave to amend his petition to include his unexhausted state law claims, (Dkt. No. 24). The deadline to file objections to the R&R was stayed during this motion practice. (*Id.*) Rather than amend his petition, Ufares moved “for [r]equest to [a]mendment [m]otion for [s]tay,” (Dkt. No. 25), which the court denied, (Dkt. No. 26). Following fourteen days from the day the court lifted the deadline to file objections, (Dkt. No. 27), the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 15) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the Petition (Dkt. No. 1) is **DENIED** and **DISMISSED**;  
and it is further

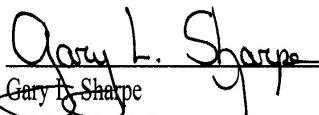
**ORDERED** that, because the court finds Petitioner has not made a  
“substantial showing of the denial of a constitutional right” pursuant to 28  
U.S.C. § 2253(c)(2), no certificate of appealability shall be issued with  
respect to any of Petitioner’s claims. See 28 U.S.C. § 2253(c)(2) (“A  
certificate of appealability may issue . . . only if the applicant has made a  
substantial showing of the denial of a constitutional right.”); see *also*  
*Lucidore v. N.Y.S. Div. of Parole*, 209 F.3d 107, 112 (2d Cir. 2000), *cert.*  
*denied* 531 U.S. 873 (2000); and it is further

**ORDERED** that the Clerk of the Court is directed to close this case;  
and it is further

**ORDERED** that the clerk of the court serve a copy of this Order upon  
the parties in accordance with this court’s local rules.

**IT IS SO ORDERED.**

December 22, 2015  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge